

HAN



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/872,038

06/01/2001

Alexander Jacques

I-2-154.1US

3404

24374

7590

02/24/2005

VOLPE AND KOENIG, P.C.

DEPT. ICC

UNITED PLAZA, SUITE 1600

30 SOUTH 17TH STREET

PHILADELPHIA, PA 19103

EXAMINER

KADING, JOSHUA A

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,038

Applicant(s)

JACQUES ET AL.

Examiner

Joshua Kading

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 2-9 and 11-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-12-02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims 2-9 and 11-14 are objected to because of the following informalities:

Claim 2, lines 1-2 state, "the next consecutive time frame." There is no
5 antecedent basis for this limitation. Therefore, it should be changed to --a next
consecutive time frame.--

Claim 3, line 5; claim 4, lines 5-6; claim 5, lines 5-6; claim 6, lines 4-5; claim 8,
lines 4-5; claim 11, lines 4-5; claim 12, lines 4-5; claim 13, lines 4-5; and claim 14, lines
4-5 state, "the corresponding time slot". There is no clear antecedent basis for this
10 limitation. Therefore it is suggested applicant change "the corresponding time slot" to --a
corresponding time slot-- or --said at least first time slot--.

Claim 4, line 2; claim 5, line 2; claim 11, line 2; and claim 12, line 2 state, "a
plurality of said initial gain levels settings". There is no antecedent basis for "said initial
gain levels settings". Therefore it is suggested "a plurality of said initial gain levels
15 settings" be changed to --a plurality of initial gain level settings--.

Claim 4, line 4; and claim 11, line 3 state, "the trend of the stored initial gain
levels". There is no antecedent basis for "the trend" and "the stored initial gain levels"
should be changed to be more consistent with other claim language. Therefore, "the
trend of the stored initial gain levels" should be changed to --a trend of the stored
20 plurality of initial gain levels--.

Claim 5, line 4; and claim 12, line 3 state, "the average of the stored initial gain
levels". There is no antecedent basis for "the average" and "the stored initial gain levels"

Art Unit: 2661

should be changed to be more consistent with other claim language. Therefore, "the average of the stored initial gain levels" should be changed to --an average of the stored plurality of initial gain levels--.

5 Claim 6, line 2; claim 8, line 2; claim 13, line 2; and claim 14, line 2 state, "a plurality of said measured signal strengths". There is no need to have "a plurality of". This will create possible vague and indefiniteness later on in the claim. Therefore, it is suggested "a plurality of said measured signal strengths" be changed to --said measured signal strengths--.

10 Claim 6, line 3; and claim 13, line 3 state, "the trend of the stored signal strengths". There is no antecedent basis for "the trend" and "the stored signal strengths" should be changed to be more consistent with other claim language. Therefore, "the trend of the stored signal strengths" should be changed to --a trend of the stored measured signal strengths--.

15 Claim 8, line 3; and claim 14, line 3 state, "the average of the stored signal strengths". There is no antecedent basis for "the average" and "the stored signal strengths" should be changed to be more consistent with other claim language. Therefore, "the average of the stored signal strengths" should be changed to --an average of the stored measured signal strengths--.

20 Claim 4, line 5; claim 5, line 5; claim 6, line 4; claim 8, line 4; claim 11, line 4; claim 12, line 4; claim 13, line 4; and claim 14, line 4 state, "the gain". There is no antecedent basis for "the gain". Therefore, it is suggested "the gain" be changed to --a gain--.

Claim 7, line 2; and claim 9, line 2 state, "said utilizing means." Since there are two utilizing means disclosed in parent claims, it is unclear which utilizing means "said utilizing means" is referring to. Therefore, "said utilizing means" should be changed to indicate which utilize means it is referring to or be changed to --both of said utilizing means.--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,240,100 B1 (Riordan et al.).

Regarding claims 1 and 10, Riordan discloses, a system and method having "a plurality of transmitters and a plurality of associated receivers (col. 1, line 12 where if there are receivers there must be transmitters, such as many mobile stations), utilizing repetitive time frames, each time frame subdivided into a plurality of time slots, at least a first time slot allocated to a communication between a first transmitter and a first

receiver (col. 1, line 21, the TDMA system), an automatic gain control (AGC) system comprising: means for measuring, at said first receiver, the received signal strength only during said at least first time slot in each of a plurality of successive time frames (col. 5, lines 52-57 where the measuring of the DC offset is a measure of signal strength); and
5 means for utilizing said measured signal strength to set an initial gain level of the first receiver at said at least first time slot in a subsequent time frame (col. 6, lines 1-3 and col. 8, lines 67-col. 9, lines 1-13)."

Regarding claim 2, Riordan discloses, "the AGC system of claim 1, wherein said
10 subsequent time frame is a next consecutive time frame (col. 9, lines 1-13)."

Regarding claim 3, Riordan discloses, "the AGC system of claim 1, wherein said AGC system further includes: means for storing a plurality of gain level settings sampled during said single time frame (col. 6, lines 1-9); and means for averaging said gain level
15 settings to determine said initial gain control level of said receiver during a corresponding time slot in a subsequent time frame (col. 9, lines 14-18)."

Regarding claims 4, 5, 11, and 12, Riordan discloses the system of claim 1 and the method of claim 10. Riordan further discloses, "means for storing a plurality of initial
20 gain level settings of successive time frames (col. 6, lines 1-9); means for determining a trend (average) of the stored plurality of initial gain levels (col. 9, lines 14-18 where the average is a trend in the data); and means for utilizing said trend (average) to control a

gain of said receiver during a corresponding time slot in a subsequent time frame (col. 9, lines 18-30)."

Regarding claims 6, 8, 13, and 14, Riordan discloses the system of claim 1 and the method of claim 10. Riordan further discloses, "means for storing said measured signal strengths (col. 6, lines 1-9); means for determining a trend (average) of the stored measured signal strengths (col. 9, lines 14-18 where the average is a trend in the data); and means for utilizing said trend (average) to control a gain of said receiver during a corresponding time slot in a subsequent time frame (col. 9, lines 18-30)."


Regarding claims 7 and 9, Riordan discloses the systems of claims 6 and 8. Riordan further discloses, "wherein a microprocessor is used for said determining means and both of said utilizing means (figure 2, element 16)."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading
Examiner
Art Unit 2661

10 February 17, 2005



BOB PHUNKULH
PRIMARY EXAMINER